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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,494	12/05/2003	David C. Griffis	4276-050990	1961

28289 7590 03/03/2006

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,494

Applicant(s)

GRIFFIS ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 13-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The use of the trademark Teflon, Delrin, Nylon and Nylotron has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Election/Restrictions

Applicant's election of Group II in the reply filed on December 19, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 1-6 and 13-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 19, 2005.

Specification

The abstract of the disclosure is objected to because "a whether seal" on line 5 appears to be a typographical error. On line 7, "and being disposed within the transit vehicle" is confusing since it is unclear to what element of the invention the applicant is referring. On line 10, "to prevent pinch point hazard" is confusing since it is unclear

what the applicant is attempting to set forth. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because the applicant should avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 86 as "an upper pivot" on line 6 of page 9 and as a "guide bracket" on line 11 of page 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a rotation enabling means" on line 4 of claim 7 render the claims indefinite because the applicant has attempted to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding or following "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). Recitations such as "a rotation thereof from said first position to said second position" on lines 13-14 of claim 7 render the claims indefinite because it is unclear what element of the invention to which the applicant is referring. Is the applicant referring to the rotation of the motion conversion means or to the rotation of the sealing member.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kendrick. Kendrick discloses a sealing arrangement adapted for sealing against a level surface in a first position and against an angular surface in a second position, said sealing arrangement rotatable between said first and said second position by a rotation enabling means (not numbered, but comprising the hinge attaching the door 5 to the door jamb) at least partially coupled thereto, said sealing arrangement comprising: a mounting member 8 having at least one cavity 20, at least one sealing member 8a attached to said mounting member with least one fastener 19 engaging said at least one cavity; and a motion conversion means 12 at least partially attached to said mounting member for enabling a movement of said at least one sealing member in a first axial direction during a rotation thereof from said first position said second position and enabling movement of said at least one sealing member in a second axial direction during the rotation thereof from said second position to said first position, said second axial direction being substantially opposite said first axial direction, said at least one cavity 20 of said mounting member is elongated in said first and said second axial directions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendrick as applied to claims 7 and 8 above, and further in view of Frigone. Frigone discloses a sealing arrangement comprising first 1 and second 2 sealing members.

It would have been obvious to one of ordinary skill in the art to provide Kendrick with two sealing means, as taught by Frigone, to provide a better seal between the bottom of the door and the threshold.

Claims 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Jeunesse in view of Kendrick. La Jeunesse discloses a sealing arrangement adapted for sealing against a level surface in a first position and against an angular surface in a second position, said sealing arrangement rotatable between said first and said second position by a rotation enabling means (not numbered, but comprising the hinges that attach the door 1 to the door jamb) at least partially coupled thereto, said sealing arrangement comprising: a mounting member 7 having at least one cavity 12, at least one fastener 8 engaging said at least one cavity; and a motion conversion means 23 at least partially attached to said mounting member for enabling a movement of said at least one sealing member in a first axial direction during a rotation thereof from said

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first position said second position and enabling movement of said at least one sealing member in a second axial direction during the rotation thereof from said second position to said first position, said second axial direction being substantially opposite said first axial direction, said sealing arrangement further includes a sealing pivot means 9 at least partially disposed within said sealing arrangement, said sealing pivot means is a pivot disposed within said mounting member 7 of said sealing arrangement. La Jeunesse is silent concerning at least one sealing member.

However, Kendrick discloses a sealing arrangement comprising at least one sealing member 8a attached to a mounting member 8.

It would have been obvious to one of ordinary skill in the art to provide La Jeunesse with a sealing member, as taught by Kendrick, to provide a better seal between the bottom of the door and the threshold.

Regarding claim 11, La Jeunesse, as modified above, discloses the limitations of claim 11 because the examiner has chosen the pivot option in claim 10. Therefore, the limitations directed towards the pivot cavity do not further limit the pivot.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Jeunesse in view of Kendrick as applied to claims 7, 10 and 11 above, and further in view of Haq. Haq discloses a pivot means 24 manufactured from a material having a low predetermined coefficient of friction selected from the group consisting of Teflon, Delrin, Nylon, Nylotron, high molecular weight plastic, oil impregnated bronze, oil impregnated iron, and brass.

It would have been obvious to one of ordinary skill in the art to provide La Jeunesse, as modified above, with a low friction material, as taught by Haq, to increase the longevity of the sealing arrangement.

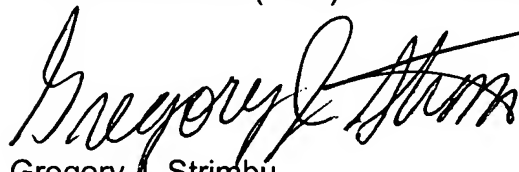
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey, Sustins, Oliver et al., Adler et al., and Burda are cited for disclosing a sealing arrangement which can accommodate uneven surfaces. McCurdy and Campbell are cited for disclosing pivoting sealing arrangements. Lessing is cited for disclosing a sealing arrangement having slots.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal line extending from the end of the signature.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 1, 2006